

## REMARKS

### Claim Rejections:

#### (a) Claim Status:

The Examiner rejected the pending claims over various references.

Numerous claims have now been cancelled by the Applicant such that claim 36 is now the only pending independent claim.

Independent claim 36 had been rejected in view of the newly cited Chen reference; however, claim 36 has now been amended and is believed to be allowable, as set forth below.

#### (b) Amended Claim 36:

Claim 36, as now amended, is directed specifically to the embodiment of the invention shown in Fig. 11.

Claim 36, as now amended, with reference numerals added, sets forth:

36. A beverage brewing and drinking cup with filter assembly (100), comprising:  
a beverage cup assembly (111);  
a frame (112) at the top of the beverage cup assembly (111);  
a filter (114) positioned within the frame (112), wherein beverage particles (C) are received into an open top end of the filter (114); and  
a top lid (115) covering the frame (112) and the filter (114), the top lid (115) having a drinking hole passing therethrough, wherein the drinking hole is not positioned over the open top end of the filter (114).

As can be seen in Fig. 11, an important claimed feature of the invention is that the drinking hole in lid (115) is not positioned over the open top end of filter (114). Instead, as can be seen, the drinking hole in lid (115) is positioned over the portion of the frame (112) through which holes (113) pass through.

As a result, a user first removes lid (115) and places coffee grains (C) and water (H<sub>2</sub>O) into the open top end of filter (114). The brewed coffee then seeps through filter (114) and into the drinking cup (111).

Next, the user places lid (115) back on top of the beverage container, and starts drinking through the hole in lid (115).

Since the drinking hole in lid (115) is **not positioned over** the open top end of filter (114), there is no danger that the coffee grains (C) will enter the user's mouth when drinking. Instead, since the drinking hole in lid (115) is **positioned over** the portion of the frame (112) through which holes (113) pass, the brewed coffee beverage will pass from cup (111) up through holes 113, and then out through the drinking hole in lid (115) when the user tilts the cup to drink.

In view of the forgoing, claim 38 is believed to be in condition for allowance, as are all claims depending therefrom.

Note: new claim 38 has been added to set forth the filter being a "wire cloth" filter, similar to the "wire cloth" filter previously set forth in now cancelled claims 1, 17, 22, etc.

**CONCLUSION**

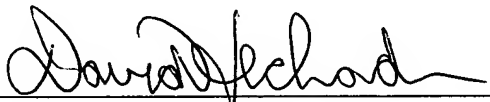
For the reasons presented above, all pending claims are believed to be in condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner believes that it would facilitate prosecution, the Examiner is requested to contact Applicants' Attorney, David R. Heckadon at (415) 875-3266.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1990 and please credit any excess fees to such deposit account.

Respectfully submitted,

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